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Paper No. 13

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**SEP 05 2003**

In re Application of  
Edinger, et al.  
Application No. 10/087,684  
Filed: March 1, 2002  
Atty. Dkt. No.: 21402-214 CIP  
(Cura-514  
Title: PROTEINS AND NUCLEIC  
ACIDS ENCODING SAME

OFFICE OF PETITIONS  
DECISION REFUSING  
STATUS UNDER 37 CFR  
1.47(a)

This decision is in response to the renewed petition under 37 CFR 1.47(a), filed August 25, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 1, 2002 without a fully executed oath or declaration. Accordingly, on August 9, 2002, a Notice to File Missing Parts of Nonprovisional Application was filed requiring, *inter alia*, an executed oath or declaration and surcharge. A petition under 37 CFR 1.47(a) was filed March 10, 2003 and dismissed June 23, 2003.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (4) set forth above. Petitioner has provided what appears to be a business address as the last known address of the non-signing inventor. Ordinarily, the last known address will be the last known residence of the non-signing inventor. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. See, MPEP 605.02.

Any renewed petition must indicate the proper last known

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address of the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(703) 308-6916

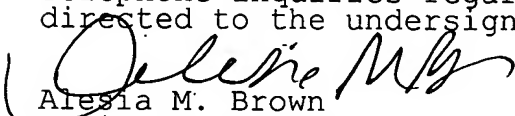
By hand:

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Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

  
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Office of Petitions